

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

VS

EARL M. JOSEPH and
MILTON JOSEPH III,

Defendants.

Case No. 4:05CR3078

MEMORANDUM AND ORDER

This case was set for trial on January 3, 2006. Through his counsel, Earl M. Joseph has given notice that he intends to plead guilty. Also, counsel for the government and counsel for Milton Joseph III have informed me that they both require additional time to prepare this case for trial or other resolution. In particular, they need to schedule a polygraph. Everyone agrees that the time may be excluded if I remove this case from the trial calendar. Upon the oral motions for continuance made by all parties,

IT IS ORDERED that:

1. This case is removed from the trial calendar.
2. Counsel for Earl M. Joseph shall promptly schedule a plea before Judge Piester.
3. Trial of this case insofar as Milton Joseph III is concerned is continued until further order of the court. Counsel for the government and counsel for Milton Joseph III shall contact me by phone on or before January 30, 2006 to provide an oral status report.

4. The time between today's date and the time of trial or acceptance of the plea is excluded for computation purposes under the Speedy Trial Act. The time is excluded in order to consider Earl M. Joseph's anticipated plea of guilty and related agreement. Regarding Milton Joseph III, the time is excluded in the interests of justice. For these exclusions, I rely upon the authority granted me under 18 U.S.C. § 3161(h)(1)(I)&(h)(8)(A)&(B).

December 22, 2005.

BY THE COURT:

s/Richard G. Kopf
United States District Judge